



Atty. Dkt. No. 053466-0412

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Masayuki TSUCHIYA *et al.*
Title: SUGAR-CHAIN-ALTERED ANTI-HM1.24 ANTIBODY
Appl. No.: 10/567,856
International Filing Date: 8/11/2004
371(c) Date: 2/10/06
Examiner: Chun Wu DAHLE
Art Unit: 1644
Confirmation No.: 5614

ELECTION OF SPECIES

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

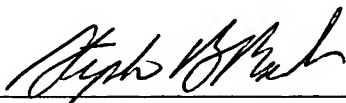
In response to the Office Action dated May 16, 2008, Applicants hereby elect Species (B) "does not contain α -1,6 core fucose," for prosecution on the merits, to which the claims shall be restricted if no generic claim is finally held to be allowable. Upon allowance of a generic claim, Applicants respectfully request consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim. Applicants reserve the right to file a divisional application covering the subject matter of the non-elected species and claims.

Applicants have enclosed with this response a Petition for Extension of Time to make this response timely. Receipt of the initial Office Action on the merits is awaited. The Examiner is invited to telephone the undersigned if it is believed that such contact would expedite prosecution.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date Aug. 13, 2008
FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5569
Facsimile: (202) 672-5399

By 
Stephen B. Maebius
Attorney for Applicants
Registration No. 35,264